

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Rasenberger	Team: Squad #7	CCRB Case #: 201907562	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/18/2019 4:25 PM	Location of Incident: [REDACTED]	Precinct: 121	18 Mo. SOL 10/18/2020	EO SOL 6/4/2021	
Date/Time CV Reported Mon, 08/12/2019 8:33 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/26/2019 11:04 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mathew Reich	00122	933211	NARCBSI
2. DT3 Michael Gagliardi	1261	950453	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Mathew Reich	Discourtesy: Detective Mathew Reich spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.DT3 Mathew Reich	Abuse: Detective Mathew Reich frisked § 87(2)(b) [REDACTED]	[REDACTED]
C.DT3 Mathew Reich	Abuse: Detective Mathew Reich searched § 87(2)(b) [REDACTED]	[REDACTED]
D.DT3 Michael Gagliardi	Abuse: Detective Michael Gagliardi frisked § 87(2)(b) [REDACTED]	[REDACTED]
E.DT3 Michael Gagliardi	Abuse: Detective Michael Gagliardi searched § 87(2)(b) [REDACTED]	[REDACTED]
F.DT3 Mathew Reich	Abuse: Detective Mathew Reich searched § 87(2)(b) [REDACTED]	[REDACTED]
G.DT3 Mathew Reich	Abuse: Detective Mathew Reich searched the vehicle in which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were occupants.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On August 12th, 2019, § 87(2)(b) called the IAB Command Center and filed the following complaint on behalf of her two adult sons, § 87(2)(b) and § 87(2)(b).

On April 18th, 2019, at approximately 4:25 p.m., Detective Mathew Reich and Detective Michael Gagliardi, both of the Narcotics Bureau- Staten Island, stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants, on the West Shore Expressway in Staten Island. Detective Reich approached the driver's side door, and allegedly observed a glassine of heroin in plain view, on the driver's side floor. He instructed § 87(2)(b) to exit the vehicle, and, when § 87(2)(b) asked why he was being ordered out of the vehicle, allegedly told § 87(2)(b) to "get out of the fucking car" (**Allegation A: Discourtesy – Word, § 87(2)(g)**). Detective Reich then escorted § 87(2)(b) to the rear of the vehicle, where he frisked and searched § 87(2)(b) (**Allegation B: Abuse of Authority – Frisk, § 87(2)(g)**; **Allegation C – Search, § 87(2)(g)**). Detective Gagliardi approached the passenger's side door and ordered § 87(2)(b) to exit the vehicle. Detective Gagliardi escorted § 87(2)(b) to the rear of the § 87(2)(b) vehicle, before frisking and searching § 87(2)(b) (**Allegation D: Abuse of Authority – Frisk, § 87(2)(g)**; **Allegation E: Abuse of Authority – Search, § 87(2)(g)**). Detective Reich allegedly searched § 87(2)(b) as well (**Allegation F: Abuse of Authority – Search, § 87(2)(g)**), before returning to the § 87(2)(b) vehicle and searching it (**Allegation G: Abuse of Authority – Vehicle Search, § 87(2)(b)**). Detective Reich then allegedly searched both § 87(2)(b) and § 87(2)(b) for the second time (**Allegations C and F continued**), before returning to the § 87(2)(b) vehicle and searching it for the second time (**Allegation G, continued**). § 87(2)(b) and § 87(2)(b) were transported to the 121st precinct stationhouse, where a search of § 87(2)(b) revealed fifty glassines of heroin in § 87(2)(b)'s sock.

§ 87(4-b), § 87(2)(g)

There is no video evidence in this case.

Allegation A – Discourtesy: Detective Mathew Reich spoke discourteously to § 87(2)(b).

Allegation B – Abuse of Authority: Detective Mathew Reich frisked § 87(2)(b).

Allegation C – Abuse of Authority: Detective Mathew Reich searched § 87(2)(b).

Allegation D – Abuse of Authority: Detective Michael Gagliardi frisked § 87(2)(b).

Allegation E – Abuse of Authority: Detective Michael Gagliardi searched § 87(2)(b)

Allegation F – Abuse of Authority: Detective Mathew Reich searched § 87(2)(b)

Allegation G: Detective Mathew Reich searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) was driving home with his brother § 87(2)(b) on the Staten Island Expressway when Detective Gagliardi and Detective Reich stopped the § 87(2)(b) vehicle (BR 03). § 87(2)(b) pulled over as soon as he was able to, but this took around two minutes, because there was no shoulder on which he could pull over.

Detective Reich approached the driver's side of the vehicle and said that § 87(2)(b) had been driving erratically, demanded his license and registration, and ordered him to step out of his car. § 87(2)(b) asked why, and Detective Reich stated "get out of the fucking car now."

§ 87(2)(b) exited the vehicle, and Detective Reich brought him to the rear of the § 87(2)(b) vehicle, where frisked him and searched his pants and sweatshirt pockets. At the same time, Detective Gagliardi frisked and searched § 87(2)(b) who was standing next to § 87(2)(b).

After Detective Reich searched § 87(2)(b) he searched the § 87(2)(b) vehicle for roughly a minute and a half, before he returning to the rear of the § 87(2)(b) vehicle and telling them he had found a glassine. Detective Reich asked "where are the drugs?" and then searched the vehicle for a second time. § 87(2)(b) had no knowledge of any drugs inside of his vehicle.

§ 87(2)(b) § 87(2)(g) had one glassine of heroin secreted in his wallet, and fifty glassines secreted in one of his socks. There was no heroin anywhere else inside of the vehicle, and there is no possibility that any heroin fell from his person into the vehicle.

After learning that his vehicle was being pulled over, § 87(2)(b) was surprised, but remained calm and did not behave "erratically." He removed his license from his wallet,

After the § 87(2)(b) vehicle stopped, Detective Gagliardi ordered § 87(2)(b) to exit his vehicle, and then escorted him to the rear of the § 87(2)(b) vehicle. Joseph § 87(2)(b) left his wallet in the vehicle. Detective Reich frisked and searched both § 87(2)(b) and § 87(2)(b) while Detective Gagliardi stood by, uninvolved. Detective Gagliardi did not frisk § 87(2)(b) at any point.

After Detective Reich searched the § 87(2)(b) vehicle for the first time, he searched both § 87(2)(b) and § 87(2)(b) for a second time. This search was more thorough than the first one, and included Detective Reich manipulating § 87(2)(b)'s crotch area and, most likely, searching § 87(2)(b)'s pack of cigarettes.

Detective Reich stated that he observed the § 87(2)(b) vehicle driving on the shoulder of the Staten Island Expressway at a high rate of speed, and changing lanes without

signaling (BR 05). After activating his vehicle's emergency lights, Detective Reich observed "movement" and fumbling around in the § 87(2)(b) vehicle, which led him to suspect the occupants were trying to hide something. Further, the § 87(2)(b) took longer than necessary to pull over. In light of these observations, Detective Reich had a higher-than-average suspicion that something was "amiss," although he did not consider any of his observations to constitute grounds for frisking or searching the § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Having successfully stopped the § 87(2)(b) vehicle on the West Shore Expressway, Detective Reich approached the driver's side of the vehicle and asked § 87(2)(b) for his license and registration. § 87(2)(b) was moving his feet, which allowed Detective Reich to observe a glassine of heroin on the driver's side floor, near § 87(2)(b)'s right foot.

At this point, Detective Reich determined that § 87(2)(b) and § 87(2)(b) were under arrest; Detective Reich did not inform § 87(2)(b) or § 87(2)(b) that they were under arrest for reasons of officer safety. Detective Reich ordered § 87(2)(b) to exit his vehicle, and § 87(2)(b) readily complied. Detective Reich denied telling § 87(2)(b) to "get out of the fucking car."

Detective Reich escorted § 87(2)(b) to the rear of the § 87(2)(b) vehicle and searched him, incident to his arrest. While at the rear of the § 87(2)(b) vehicle, Detective Reich told Detective Gagliardi that he had observed a glassine of heroin on the driver's side floor. § 87(2)(b) was also searched, incident to his arrest, although Detective Reich does not recall whether he or Detective Gagliardi conducted the search. Detective Reich searched the § 87(2)(b) vehicle at some point after backup had arrived, also incident to the arrest of § 87(2)(b) and § 87(2)(b).

Detective Gagliardi stated that he approached the passenger's side window and immediately ordered § 87(2)(b) to exit his vehicle, so that he could see § 87(2)(b)'s hands more clearly and ensure his safety. He was not paying attention to Detective Reich at this time and did not recall whether Detective Reich spoke discourteously to § 87(2)(b). Detective Gagliardi escorted § 87(2)(b) to the rear of the § 87(2)(b) vehicle. He believes that he then frisked § 87(2)(b)'s waistband area, to ensure that he was not armed.

Seconds later, Detective Reich walked to the rear of the § 87(2)(b) vehicle and informed Detective Gagliardi that he had observed a glassine of heroin on the driver's side floor of the § 87(2)(b) vehicle. Detective Gagliardi then searched § 87(2)(b) incident to his arrest.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Detective Gagliardi, an 8-year member of service, has been the subject of eleven CCRB complaints, one of which was substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

- To date, this investigation is still open.

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- According to the NYC Office of Court Administration database, neither § 87(2)(b) nor § 87(2)(b) have been convicted of any criminal offenses.
- To date, the New York City Officer of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 13).

Squad No.: 7

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

April 28, 2020 _____

Date _____

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____

